UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Luis Manuel MENDOZA-Rojas,** Defendant	Magistrate Docket No. '08 MJ 2590 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 20, 2008** within the Southern District of California, defendant, **Luis Manuel MENDOZA-Rojas,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **22nd** DAY OF **AUGUST 2008**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

8/20/08 g

CONTINUATION OF COMPLAINT:
Luis Manuel MENDOZA-Rojas

PROBABLE CAUSE STATEMENT

On August 20, 2008, Border Patrol Agent R. Rosas was performing his assigned duties in the Campo Border Patrol Station area of operations. At approximately 10:40 p.m., Agent Rosas responded to the activation of a seismic intrusion device Northeast of the Tecate, California Port of Entry.

Upon arriving in the area, Agent Rosas encountered eight individuals walking northbound towards him. Agent Rosas immediately identified as Border Patrol Agent and questioned them as to their citizenship. All eight individuals including one later identified as the defendant **Luis Manuel MENDOZA-Rojas**, admitted to being citizens and nationals of Mexico without any immigration documentation to be in or remain in the United States legally. At approximately 11:15 p.m., all eight were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 13, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and he was willing to make a statement without a lawyer present. MENDOZA again stated that he is a citizen and national of Mexico illegally present in the United States without any immigration documents that would allow him to enter or remain legally in the United States.